

Gary Suoja, et al. v. Owens-Illinois, Inc.

3:99-CV-00475-BBC

Transcript of the Testimony of:

Kimberly Suoja

June 22, 2015



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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF WISCONSIN

3 -----

4 GARY SUOJA, Individually and as
5 Special Administrator for the
6 Estate of OSWALD F. SUOJA,

7 Plaintiff,

8 -vs- Case No. 3:99-cv-00475-bbc

9 OWENS-ILLINOIS, INC.,

10 Defendant.

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12

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14 Deposition of KIMBERLY SUOJA

15 Monday, June 22, 2015

16 10:19 a.m.

17 at

18 GRAMANN REPORTING, LTD.
19 14 West Mifflin Street, Suite 311
20 Madison, Wisconsin

21

22

23

24

25 Reported by Lindsay DeWaide, RMR, CRR

1 Deposition of KIMBERLY SUOJA, a witness in
2 the above-entitled action, taken at the instance of the
3 Defendant, pursuant to the Federal Rules of Civil
4 Procedure, before Lindsay DeWaide, Registered Merit
5 Reporter, Certified Realtime Reporter, and Notary
6 Public in and for the State of Wisconsin, at GRAMANN
7 REPORTING, LTD., 14 West Mifflin Street, Suite 311,
8 Madison, Wisconsin, on the 22nd day of June, 2015,
9 commencing at 10:19 a.m. and concluding at 12:56 p.m.

10

11 A P P E A R A N C E S:

12 CASCINO VAUGHAN LAW OFFICES, LTD., by
13 Mr. Robert G. McCoy
14 220 South Ashland Avenue
 Chicago, Illinois 60607
 Appeared on behalf of Plaintiff.

15 SCHIFF HARDIN LLP, by
16 Mr. Joshua D. Lee
17 233 South Wacker Drive, Suite 6600
 Chicago, Illinois 60606
 Appeared on behalf of Defendant.

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1 E X A M I N A T I O N

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8

9 E X H I B I T S

10 NUMBER PAGE IDENTIFIED

11 Exh. 1 Notice of Deposition and Subpoena 73

12 Exh. 2 List 32

13 (Original exhibits attached to original transcript;
14 copies of exhibits attached to copies of transcript.)

15

16 R E Q U E S T S

17 NUMBER ITEM REQUESTED PAGE

18 No. 1 Email color copies of photographs 28
19 used in trial

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1 TRANSCRIPT OF PROCEEDINGS
2 (Exhibit Nos. 1 and 2 marked for identification.)
3 KIMBERLY SUOJA, called as a witness
4 herein, having been first duly sworn on oath, was
5 examined and testified as follows:
6 E X A M I N A T I O N
7 BY MR. LEE:
8 Q All right, ma'am. My name is Josh Lee. I'm going
9 to ask you a series of questions today. Looks
10 like I'm probably -- most likely the only lawyer
11 that's going to ask you questions today; but,
12 obviously, if Mr. McCoy wants to ask you some
13 questions at the end, he'll be able to as well.
14 Okay?
15 A Okay.
16 Q All right. Have you ever given a deposition
17 before?
18 A Never.
19 Q Okay. Have you had a chance -- I don't want to
20 know exactly what you talked to Mr. McCoy about,
21 if you did.
22 Have you had a chance to talk to Mr. McCoy
23 about how the deposition will go today?
24 A Yes.
25 Q Okay. Essentially, I'm going to ask some

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1 questions, and we'll ask that you give verbal
2 answers to those questions, out loud, unless
3 Mr. McCoy tells you not to answer. Okay?
4 A Okay.
5 Q As we go through, Mr. McCoy may or may not
6 interpose some objections. Again, unless he tells
7 you not to answer, after he's finished with his
8 objection, please give the answer to the question
9 asked. Okay?
10 A Okay.
11 Q You're doing a great job so far. As we go
12 through, it's very important that your answers be
13 verbal as opposed to what we would sometimes call
14 guttural "uh-huh" or "uh-uh."
15 A Like a nod or --
16 Q Or even "uh-huh" or "uh-uh."
17 A Okay.
18 Q That in a transcript, we can't tell what it means.
19 So "yes," "no," or if you've got a longer answer,
20 please give us the full answer. Okay?
21 A Okay.
22 Q If, for any reason, you don't understand the
23 question that I'm asking, and I expect that'll
24 happen a few times as we go through today, please
25 just tell me, and I'm more than happy to rephrase

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1 it so that you know what I'm asking. Okay?
2 A Okay.
3 Q If you don't ask me to rephrase a question, we're
4 going to assume that you understood the question
5 that I was asking; fair?
6 A I understand.
7 Q Okay. This is important as well. If you need to
8 take a break for any reason as we're going
9 through, just let me know. That's fine.
10 If there's a question pending, we'll ask you
11 to answer the question first, but then we'll have
12 you go take the break. Okay?
13 A Okay.
14 Q All right. Could you tell us your name, please.
15 A Kimberly Ann Suoja.
16 Q And it's spelled like Suoja S-O -- or pronounced
17 like Suoja S-O-Y-A?
18 A A lot of people do spell it that way, but it is
19 Suoja.
20 Q And it's spelled S- --
21 A U.
22 Q -- U-O-J-A?
23 A J-A. Correct.
24 Q Okay. I should say this too. In normal
25 conversation, we talk over each other a little bit

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1 like we just did. For the court reporter, if we
2 both can try not to do that, that's better. Okay?
3 A Okay.
4 Q All right. What year were you born?
5 A 1958.
6 Q Who are your parents?
7 A Dolores Agnese Dalbec and Oswald Fabian Suoja.
8 Q My understanding is that both of your parents have
9 passed away; is that correct?
10 A Yes. That is correct.
11 Q What year did your mother pass away?
12 A 2003.
13 Q Do you have any siblings?
14 A Yes.
15 Q How many siblings do you have?
16 A Four siblings. I'm sorry. Three.
17 Q That's fine.
18 A There's four of us. I have three.
19 MR. MCCOY: One brother died.
20 THE WITNESS: Yes.
21 MR. LEE: And I'll get to that, Bob.
22 BY MR. LEE:
23 Q So there were three siblings initially; is that
24 right?
25 A I came along. So I have three siblings.

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<p>1 Q Perfect. Are you the youngest or the oldest?</p> <p>2 A I am the youngest.</p> <p>3 Q Okay. What are the names of your three siblings?</p> <p>4 A Derald Bryant Suoja.</p> <p>5 Q Okay.</p> <p>6 A Gary Ernest Suoja. Suzanne Joy Merwin.</p> <p>7 Q So you were born in 1958. The oldest of your</p> <p>8 siblings, do you know what year they were born?</p> <p>9 A Sue was born in 1947. I think Gary was born 1945.</p> <p>10 Derald, I believe, was born 1942.</p> <p>11 Q Within a year or two?</p> <p>12 A Something like that. Yes.</p> <p>13 Q All right. Mr. McCoy did offer that one of your</p> <p>14 siblings has passed away; is that right?</p> <p>15 A Correct.</p> <p>16 Q Which one?</p> <p>17 A That would be Derald, my oldest brother.</p> <p>18 Q When did Derald pass away?</p> <p>19 A Four and a half years ago.</p> <p>20 Q 2011? 2010?</p> <p>21 A Correct.</p> <p>22 Q Derald was a police officer, wasn't he?</p> <p>23 A Correct.</p> <p>24 Q Do you know if Derald ever had any jobs other than</p> <p>25 being a police officer?</p>	<p>1 Just go ahead.</p> <p>2 MR. LEE: I get it. I'm going to ask</p> <p>3 that you comply with the rules --</p> <p>4 MR. McCOY: Josh --</p> <p>5 MR. LEE: -- and not speak during the</p> <p>6 deposition.</p> <p>7 MR. McCOY: No. You don't instruct</p> <p>8 people during depositions. That's prohibited</p> <p>9 under the rules. You know that. Okay? Don't</p> <p>10 instruct anybody, including me.</p> <p>11 Go ahead.</p> <p>12 MR. LEE: Bob, we can have a conference</p> <p>13 under the rules, which is what I'm doing.</p> <p>14 Are you saying that you're refusing to</p> <p>15 comply with the rules?</p> <p>16 MR. McCOY: No. You go ahead, Josh. I</p> <p>17 told you. Go ahead.</p> <p>18 MR. LEE: Okay. Do we have an agreement</p> <p>19 that you will no longer interpose speaking during</p> <p>20 the testimony today?</p> <p>21 MR. McCOY: No. I have a right to</p> <p>22 assert objections.</p> <p>23 MR. LEE: That was not an objection.</p> <p>24 MR. McCOY: Go ahead.</p> <p>25 MR. LEE: Okay. Are you going to</p>
Page 9	Page 11
<p>1 A He worked at a gas station.</p> <p>2 Q Did Derald have a nickname Smokey?</p> <p>3 A Yes.</p> <p>4 Q Other than Derald and Smokey, did your brother go</p> <p>5 by any other names?</p> <p>6 A Yes.</p> <p>7 Q What are their names?</p> <p>8 A Lefty.</p> <p>9 Q Anything else?</p> <p>10 A Not to my knowledge.</p> <p>11 Q Did he ever call himself Donald?</p> <p>12 A No.</p> <p>13 Q Did anybody in your family ever call him Donald?</p> <p>14 A My oldest brother?</p> <p>15 Q Yes.</p> <p>16 A No.</p> <p>17 MR. McCOY: Just my firm made a mistake.</p> <p>18 MR. LEE: Bob, I'm going to ask the</p> <p>19 questions, and I'm going to ask that you not</p> <p>20 testify, please. Okay? Can we have an agreement?</p> <p>21 MR. McCOY: If you think there's some</p> <p>22 relevance to all this, I'd really like to know</p> <p>23 what it is.</p> <p>24 MR. LEE: And, Bob --</p> <p>25 MR. McCOY: You can go ahead, Josh.</p>	<p>1 continue to testify during the deposition today?</p> <p>2 MR. McCOY: I'm not testifying.</p> <p>3 MR. LEE: You are.</p> <p>4 MR. McCOY: You go ahead, Josh.</p> <p>5 MR. LEE: You are, Bob.</p> <p>6 MR. McCOY: Go ahead. Go ahead with</p> <p>7 your question. Okay?</p> <p>8 MR. LEE: Because if we're --</p> <p>9 MR. McCOY: You're making a big deal out</p> <p>10 of nothing. Okay?</p> <p>11 MR. LEE: Bob --</p> <p>12 MR. McCOY: You guys -- you guys just</p> <p>13 want to play around with this case. It's all</p> <p>14 fine. Go ahead.</p> <p>15 MR. LEE: Bob --</p> <p>16 MR. McCOY: You know, at some point in</p> <p>17 time the judge is going to get the message. Okay?</p> <p>18 You guys just go ahead. Just go ahead. Josh, go</p> <p>19 ahead, please. Ask your questions.</p> <p>20 MR. LEE: I am trying to, and you keep</p> <p>21 imposing and interposing statements.</p> <p>22 MR. McCOY: I'm working on my computer</p> <p>23 now, so I'm not paying any attention to what</p> <p>24 you're saying. Go ahead.</p> <p>25 MR. LEE: Okay. Well, Bob, I'm more</p>

1 than happy to go talk to the judge, if you'd
2 prefer. And we can have this deposition with a
3 referee, if you'd prefer.

4 MR. McCOY: I didn't say that.

5 MR. LEE: Okay.

6 MR. McCOY: You said it.

7 MR. LEE: I said it because I'm very
8 concerned about the way this deposition is going
9 to proceed.

10 MR. McCOY: I guess with all your
11 experience of a thousand or more depositions, it's
12 amazing that you have those concerns, Josh. Go
13 ahead.

14 MR. LEE: Well, Bob, I have those
15 concerns because I've been in depositions with you
16 before. And so I just want to make sure we
17 understand that we're going to play by the rules
18 as we go forward.

19 So do we have that agreement?

20 MR. McCOY: Go ahead with your
21 questions.

22 BY MR. LEE:

23 Q All right. We'll see how far we get, Ms. Suoja.
24 Okay?

25 A You --

1 MR. LEE: This isn't a HIPAA-protected
2 proceeding, Bob, and I'm entitled to ask the
3 questions.

4 MR. McCOY: It is HIPAA-protected.

5 MR. LEE: Are you instructing her not to
6 answer?

7 MR. McCOY: Yes.

8 MR. LEE: Okay. Are you claiming that
9 Ms. Suoja is a HIPAA-protected person?

10 MR. McCOY: I'm claiming that anybody
11 who hasn't signed a HIPAA release, like
12 Sue Merwin, is HIPAA-protected.

13 MR. LEE: You're asserting, though, that
14 HIPAA covers someone like Ms. Suoja here?

15 MR. McCOY: She can waive the HIPAA
16 privilege; but, you know, the -- Sue Merwin can't.

17 MR. LEE: I understand that. I'm just
18 asking you, you're asserting that Ms. Suoja is
19 within the group of people who is prohibited by
20 HIPAA from discussing this matter?

21 MR. McCOY: I didn't say that. Go ahead
22 with your questions.

23 MR. LEE: Then what's the objection?

24 MR. McCOY: Go ahead with your answers.
25

1 Q Are you aware of anybody that called your brother
2 Donald?

3 A No.

4 Q Okay. So your brother Gary, what does he do?

5 A My brother Gary is an attorney.

6 Q Where does he live?

7 A Mercer Island, Washington.

8 Q Do you know what type of attorney he is?

9 A I know that he works a lot with real estate.

10 Q Your sister, Sue, what does she do for a living?

11 A She is retired.

12 Q And what did she do before she retired?

13 A She worked at the state's attorney's office in
14 Rockford, Illinois.

15 Q Is Sue an attorney?

16 A No, she is not.

17 Q What was her job in the state's attorney's office?

18 A She was a secretary.

19 Q Okay. When did she retire?

20 A Nine years ago.

21 Q Why did she retire?

22 A She was able to and her health was not the best.

23 Q What health issues does Sue have?

24 MR. McCOY: Well, that's objectionable
25 under HIPAA.

1 BY MR. LEE:

2 Q Okay. What are your sister's health issues?

3 MR. McCOY: Well, that's
4 HIPAA-protected. Don't answer.

5 MR. LEE: Okay. So now you're asserting
6 Ms. Suoja is within the group of people who is
7 covered as a reporter by HIPAA; is that right?

8 I need to understand the basis of your
9 objection, Bob.

10 MR. McCOY: You can go read the HIPAA
11 law, Josh.

12 MR. LEE: I need to understand what
13 you're asserting, Bob.

14 MR. McCOY: It's in violation of HIPAA
15 to ask somebody about somebody else's health. You
16 can't do that. The person who's not here has
17 their health rights protected.

18 MR. LEE: Well, Bob, you understand that
19 one of the exceptions to that is a properly
20 executed subpoena; correct?

21 MR. McCOY: Go ahead.

22 MR. LEE: And we are here today under a
23 subpoena; correct?

24 MR. McCOY: Not for Sue Merwin's health.

25 MR. LEE: Okay. All right.

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1 THE WITNESS: (Indicating.)
 2 MR. LEE: Yes, Ma'am?
 3 MR. McCOY: Just don't say anything. I
 4 told you not to answer.
 5 MR. LEE: What did you want to say,
 6 ma'am?
 7 MR. McCOY: No. Don't answer.
 8 MR. LEE: You raised your hand, didn't
 9 you?
 10 THE WITNESS: I just have a question.
 11 MR. LEE: Go ahead.
 12 MR. McCOY: Go ahead, if you have a
 13 question.
 14 MR. LEE: You can ask Mr. McCoy a
 15 question. You should probably do it in his ear.
 16 (Side discussion off the record.)
 17 MR. McCOY: Go ahead.
 18 BY MR. LEE:
 19 Q And you aren't a treating physician for your
 20 sister, are you?
 21 A No, I am not.
 22 Q Do you provide any medical care to your sister?
 23 A No.
 24 Q Are you a HIPAA-covered entity?
 25 MR. McCOY: Objection. That calls for a

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1 legal conclusion.
 2 MR. LEE: You can answer.
 3 MR. McCOY: If you know. Do you know
 4 what he's asking? If you don't know, you just
 5 say, "I don't know."
 6 THE WITNESS: Oh. I guess I do not
 7 understand the question.
 8 BY MR. LEE:
 9 Q Okay. Do you know whether or not you're a
 10 HIPAA-covered entity with regard to your sister's
 11 health?
 12 MR. McCOY: She's answered.
 13 Go ahead. Answer again.
 14 MR. LEE: It's a different question.
 15 THE WITNESS: I believe if you have
 16 questions about specific health concerns regarding
 17 my sister, Suzanne, perhaps it would be best to
 18 get the correct information from her.
 19 BY MR. LEE:
 20 Q Okay. So you believe we should issue a subpoena
 21 and try and find that out?
 22 MR. McCOY: Objection. Calls for a
 23 legal conclusion.
 24 You can answer if you know. If you
 25 don't know, you can just say you don't know.

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1 THE WITNESS: Well, I don't know.
 2 BY MR. LEE:
 3 Q Is your sister's health such that it would prevent
 4 her from testifying in a deposition like this?
 5 MR. McCOY: Let me object again to that.
 6 THE WITNESS: So that means I don't
 7 answer?
 8 MR. McCOY: Yeah. Just don't answer the
 9 question. It's better.
 10 BY MR. LEE:
 11 Q Okay. And I should -- I should ask. You should,
 12 and I expect you're going to, follow your
 13 counsel's objection when he tells you that he's
 14 not going to allow you to answer. Correct?
 15 A That would be correct.
 16 Q Okay. All right. Tell me a little bit about your
 17 dad.
 18 Do you know what year he was born in?
 19 A Dad was born in 1923.
 20 Q And what did he do for a living, if you know?
 21 A As he was growing up as a child or just as an
 22 adult after he left home?
 23 Q Did he have a job when he was growing up?
 24 A At first he worked with the family, cutting pulp.
 25 After a fire, then they did farming. Family farm.

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1 Q Where did your father grow up?
 2 A Northern Minnesota.
 3 Q When you say "cutting pulp," does that mean
 4 cutting trees for making paper?
 5 A Correct.
 6 Q Okay. And that was a family business?
 7 A Yes.
 8 Q Did your father's family own a paper mill?
 9 A No.
 10 Q Were they contractors to a paper mill to cut pulp?
 11 A I do not know.
 12 Q Do you know if your father ever worked in a paper
 13 mill?
 14 A No, he did not.
 15 Q Okay. Then you said after there was a fire, your
 16 father went to work on a farm; is that right?
 17 A His family had to start farming to survive.
 18 Q Where was the farm located?
 19 A Near Automba, Minnesota.
 20 Q Is that farm still in your family?
 21 A No.
 22 Q Was it a family farm or was it someone else's farm
 23 that the family worked on?
 24 A It was a family farm.
 25 Q And I took it from your answer, but did your

Page 20	Page 22
<p>1 father continue to work on the family farm until</p> <p>2 he left high school?</p> <p>3 A He was 17 when he left home.</p> <p>4 Q Did your father go to high school?</p> <p>5 A Yes.</p> <p>6 Q Did he graduate?</p> <p>7 A Yes.</p> <p>8 Q Okay. So did he leave home while he was still in</p> <p>9 high school, or did he graduate and then leave</p> <p>10 home?</p> <p>11 A He graduated; then left home.</p> <p>12 Q After he graduated from high school and left home,</p> <p>13 do you know what your father did for a living?</p> <p>14 A He worked in the shipyards in Superior.</p> <p>15 Q And when you say "Superior," you mean Superior,</p> <p>16 Wisconsin; correct?</p> <p>17 A Correct.</p> <p>18 Q Okay.</p> <p>19 A Sorry.</p> <p>20 Q There are other Superiors. I just want to make</p> <p>21 sure I know where.</p> <p>22 A To me, there's only one Superior.</p> <p>23 Q I think for a lot of us that's true. But for</p> <p>24 other folks, it may not be true, so --</p> <p>25 A I understand.</p>	<p>1 Q Let me ask you this: Do you have, from your own</p> <p>2 knowledge, any information as to what companies</p> <p>3 your father worked for throughout his career?</p> <p>4 A While living in Rockford, Illinois, he worked for</p> <p>5 McDermaid's.</p> <p>6 Q Can you spell that for us.</p> <p>7 A M-C, and then D-E-R-M-A-I-D-S, I believe.</p> <p>8 Q Okay. Was McDermaid's a contractor, or what did</p> <p>9 McDermaid's do, to the extent you know?</p> <p>10 A I do not know for sure.</p> <p>11 Q Do you know what your father did for McDermaid's?</p> <p>12 A He was given various assignments or jobs to</p> <p>13 insulate pipes.</p> <p>14 Q So was he an insulator while he worked for</p> <p>15 McDermaid's?</p> <p>16 A Yes.</p> <p>17 Q What years was it your father worked for</p> <p>18 McDermaid's in Rockford?</p> <p>19 A I don't know for sure. It's possible that it was</p> <p>20 14 years that he worked for McDermaid's. I say</p> <p>21 that because my parents lived in Rockford,</p> <p>22 Illinois, for 14 years.</p> <p>23 Q What years did your parents live in Rockford?</p> <p>24 A 1956 through 1968.</p> <p>25 Q So that would be about 12 years; is that right?</p>
Page 21	Page 23
<p>1 Q What was your father's job starting out in the</p> <p>2 shipyards in Superior?</p> <p>3 A I do not know.</p> <p>4 Q So if he was 17, that would have been in about</p> <p>5 1940 that your father started working in the</p> <p>6 shipyards; is that right?</p> <p>7 A That would be correct.</p> <p>8 Q Do you know who he was working for when he started</p> <p>9 working in the shipyards?</p> <p>10 A No. I do not know.</p> <p>11 Q Do you know how long it was that your father</p> <p>12 worked in the shipyards in Superior?</p> <p>13 A No, I do not know.</p> <p>14 Q Do you know what your father did after he stopped</p> <p>15 working in the shipyards in Superior?</p> <p>16 A He began working in construction.</p> <p>17 Q And when you say "construction," do you know what</p> <p>18 type of construction work your father did?</p> <p>19 A He was a pipe insulator.</p> <p>20 Q Do you know when he started that job?</p> <p>21 A No, I do not.</p> <p>22 Q Do you know where he was working when he started</p> <p>23 that job?</p> <p>24 A Other than starting out in Superior, I don't know</p> <p>25 what company he was working for.</p>	<p>1 A Then I know they lived there 14 years. Believe</p> <p>2 me. That, I know.</p> <p>3 So they didn't say, well, we move to Rockford</p> <p>4 in this year. They lived in Rockford four years</p> <p>5 before I was born.</p> <p>6 Q So you were born in 1958?</p> <p>7 A Correct.</p> <p>8 Q So they would have moved there in 1954; is that</p> <p>9 right?</p> <p>10 A That does make sense. I apologize.</p> <p>11 Q That's okay. I get the years wrong all the time.</p> <p>12 So are you comfortable saying that your</p> <p>13 parents lived in Rockford from 1954 to 1968?</p> <p>14 A That would be correct.</p> <p>15 Q And I'm assuming you and your siblings, as</p> <p>16 children, lived with your parents in Rockford?</p> <p>17 A Yes, we did.</p> <p>18 Q Do you know where your parents lived before they</p> <p>19 moved to Rockford?</p> <p>20 A They lived in various places. Dad traveled with</p> <p>21 his work.</p> <p>22 Q Do you know any of the various places your parents</p> <p>23 lived before 1954?</p> <p>24 A They lived in Superior; they lived in Green Bay;</p> <p>25 and they lived in Milwaukee, Wisconsin. All</p>

1 cities are in Wisconsin.
 2 Q Yes. Green Bay and Milwaukee most people will
 3 get, no problem.
 4 Do you know roughly what years your parents
 5 lived in Green Bay?
 6 A No, I do not.
 7 Q Do you know roughly what years your parents lived
 8 in Milwaukee?
 9 A No, I do not.
 10 Q Do you know where your parents lived directly
 11 before they moved to Rockford?
 12 A No, I do not.
 13 Q Do you know who your father worked for during the
 14 years prior to Rockford while they were in
 15 Superior?
 16 A No, I do not.
 17 Q Do you know who your father worked for prior to
 18 moving to Rockford during the years that your
 19 parents lived in Green Bay?
 20 A No, I do not.
 21 Q And, finally, do you know who your father worked
 22 for during the years prior to moving to Rockford
 23 when your parents lived in Milwaukee?
 24 A No, I do not.
 25 Q Prior to 1954, do you know any of the places that

1 your father worked, job sites?
 2 A No, I do not.
 3 Q Between 1954 and 1968, do you know any of the
 4 places, job sites, that your father worked?
 5 A No, I do not.
 6 Q Do you know any of the products that your father
 7 worked with prior to 1968?
 8 A No, I do not. Are you looking for brand names?
 9 Q Yes, ma'am.
 10 A Okay. No. I am not aware of any brand names.
 11 Q Do you know who -- any of the manufacturers of any
 12 of the products your father worked with before
 13 1968?
 14 A No, I do not.
 15 Q You've brought some pictures here today; is that
 16 right?
 17 A Yes, I have.
 18 Q And why did you bring these pictures?
 19 A One reason is I love my family, especially my
 20 father; and I wanted to show that he was a family
 21 man, that he was interacting with family and
 22 enjoying his life, and that he was a healthy man.
 23 Q Normally what I would do is I would mark these
 24 pictures as exhibits, but that would require us to
 25 put stickers on them. And these are not pictures

1 like we think of today. These are pictures that
 2 were taken on film; is that right?
 3 A Correct.
 4 Q Do you know if anybody still has the negatives for
 5 these pictures?
 6 A No, I do not.
 7 Q Okay. And some of these pictures look like
 8 they're pictures going back to your parents'
 9 wedding; is that right?
 10 A That is correct. Even earlier. That is my
 11 father. That is me. That is my father's mother.
 12 Q Let me clear that up a little bit.
 13 This picture that you've just shown me of
 14 your family with your dad and your grandmother
 15 looks like it has all three of -- or all four of
 16 you kids in it; is that right?
 17 A These two boys are my cousins.
 18 Q Okay.
 19 A This young girl is my niece Lynn.
 20 Q Okay. So initially I asked, it looks like there
 21 are pictures going back all the way to your
 22 parents' wedding.
 23 This picture that you just showed me of your
 24 dad and your grandmother is not before your
 25 parents' wedding; is that correct?

1 A Correct.
 2 Q Okay. The earliest picture we have here looks
 3 like it's a wedding picture of your parents; is
 4 that right?
 5 A Yes. That would be correct. I'm sorry.
 6 Q It's okay. That's what I said. Sometimes we'll
 7 be on a different page, and I'll try and make sure
 8 we stay there as well.
 9 You also brought a picture, it looks like,
 10 with a 1950s or 1960s automobile; is that right?
 11 A Yes.
 12 Q There's a man in that picture. Is that your dad?
 13 A That is Oswald Fabian Suoja.
 14 Q And what car is that?
 15 A It's his car. I'm not sure what model, but he did
 16 like Pontiacs and Chevs.
 17 Q And why did you bring this picture today?
 18 A I brought this picture because my mom told me that
 19 she was pregnant with me when this picture was
 20 taken. And I think it's a very good picture of my
 21 father as a younger man.
 22 Q All right.
 23 A It just shows him very healthy and active, and his
 24 stance is as though he's copping an attitude, he
 25 has the world by the tail.

1 Q So, again, I don't want to put exhibit stickers on
2 these because I don't want to make them -- do
3 anything to make them less of a memory for you.
4 Okay?

5 A Thank you.

6 Q On the back, it says: Ozzie, taken August 1958,
7 35 years old; is that right?

8 A Yes.

9 Q So this picture was taken in 1958; is that
10 correct?

11 A Yes.

12 MR. LEE: Okay. What I'm going to
13 ask -- I'm going to ask Mr. McCoy if there are any
14 of these pictures that you guys plan to use at
15 trial, that you make color copies for us, and that
16 Mr. McCoy will email those to us so that we don't
17 have to put exhibit stickers on them today.

18 Can we agree to that?

19 MR. MCCOY: Agree to that.

20 THE WITNESS: That's fine with me.

21 BY MR. LEE:

22 Q Are there any of these other pictures here today
23 that you brought for a special reason to show us
24 something in particular?

25 A The last week of my father's life I spent at his

1 bedside, and I wanted to take pictures of his hand
2 in my hand. He had very large hands from working
3 hard with his hands all his life. And that was
4 something that I wanted to treasure, and I wanted
5 to have them framed and hang them up on the wall
6 in my home.

7 Q So I just want to -- these, I suspect, might be
8 some pictures that Mr. McCoy and me choose to use
9 at trial, so I want to describe them so we know
10 what they are. Okay?

11 A Yes.

12 Q Okay. Do you need to take a minute before we do
13 that, or would you rather do that and then take a
14 minute?

15 A Let's do it first.

16 Q So you've brought five pictures framed in a panel;
17 is that correct?

18 A Correct.

19 Q And there's a gray matting, framing. Is that
20 right?

21 A Yes.

22 Q Three of the pictures are of your hand and your
23 father's hand; is that right?

24 A That is correct.

25 Q And those were taken in the last week of his life?

1 A Yes.

2 Q Okay. There are two other pictures in this
3 grouping as well; is that correct?

4 A Yes, there are.

5 Q One, it looks like, is of your father?

6 A Yes.

7 Q And that appears to be an earlier picture of him;
8 is that correct?

9 A Yes.

10 Q Okay. And another picture, I'm going to assume --
11 it looks like your dad, and I'm going to assume
12 the other person is your mother; is that right?

13 A That is correct.

14 Q Okay. And it's kind of a picture superimposed on
15 another background; is that right?

16 A Yes.

17 Q And that background is a blue sky and a field of
18 flowers; is that right?

19 A Yes.

20 Q Okay. And that also appears to be an earlier
21 picture of your father and mother; is that
22 correct?

23 A That was their 40th wedding anniversary.

24 Q So that would have been taken in the mid-1980s?

25 A Yes.

1 Q The other picture of your father, when about was
2 that picture taken, if you know?

3 A The arm in this picture is mine. I was 24 years
4 old when this was taken at a bowling alley here in
5 Madison.

6 Q So that picture is also about the mid-1980s; is
7 that right?

8 A Yes.

9 Q Are there any other pictures particularly that you
10 brought for a particular purpose today?

11 A No. You have seen what I have brought.

12 Q Okay. I'm just going to take a quick second to
13 take a look through the rest of the pictures, if
14 that's okay. And if I have any specific
15 questions, I'll ask them. If not, we'll move on
16 to a different topic. All right?

17 A You may look through them.

18 Q Okay.

19 A Yes.

20 MR. LEE: So we'll take a break for just
21 a second. Okay?

22 (Recess taken from 10:54 a.m. to 11:00 a.m.)

23 BY MR. LEE:

24 Q Ms. Suoja, you brought today a typed couple of
25 pages; is that correct?

1 A Yes, I have.
2 Q So I know that you've got a copy in front of you,
3 and we've marked a copy as Exhibit 2 for your
4 deposition today.
5 Do you mind -- I know you've written some
6 things down. I don't know if you have notes on
7 there.
8 A No.
9 Q Okay.
10 A Just your name.
11 Q Perfect. Can we switch for a second? I just want
12 to make sure that when the record comes, that
13 you're looking at Exhibit 2. And I just need to
14 be able to see what it is, just so nobody says
15 that we were looking at different things later in
16 the day. Okay?
17 A Okay.
18 Q So you've got in front of you what we've marked as
19 Exhibit 2; is that correct?
20 A Yes. I see that.
21 Q Okay. And what is it Exhibit 2?
22 A Exhibit 2 is what I have typed up for today's
23 purpose for the deposition for Oswald Fabian Suoja
24 dated Monday, June 22, 2015.
25 Q And why did you type up this document?

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1 A My attorney, Bob McCoy, had requested that I
2 consider what my father --
3 MR. McCoy: Let's -- let me just -- at
4 that point in time, let me just object. That's --
5 communication between you and me are not something
6 you should be discussing.
7 THE WITNESS: Okay.
8 MR. McCoy: You can answer what is your
9 understanding of what this document is. You can
10 answer that. But don't talk about the
11 communications with me and you.
12 THE WITNESS: My understanding is that
13 what I have typed on these two pages is what my
14 father was able to do two to three years before
15 his diagnosis of mesothelioma.
16 BY MR. LEE:
17 Q And you typed this up at the request of your
18 attorneys?
19 MR. McCoy: You can answer that.
20 THE WITNESS: Yes.
21 MR. LEE: Okay.
22 MR. McCoy: She prepared it. I mean, I
23 didn't tell her to type it up, but she prepared
24 it.
25 MR. LEE: Sure.

1 BY MR. LEE:
2 Q And at the top of this document, it's entitled
3 "Deposition for Oswald Fabian Suoja, Monday,
4 June 22, 2015"; is that right?
5 A Yes.
6 Q And the, I'll put it, heading, for lack of a
7 better word, is "What Dad could do before his
8 diagnosis of mesothelioma"; is that right?
9 A Yes.
10 Q And then there are 22 things listed out; is that
11 right?
12 A Yes.
13 Q So I wanted to ask you about a few of these.
14 You say that your dad helped out around the
15 house a lot before he got sick; is that right?
16 A Yes.
17 Q And you say he would shovel the snow and mow the
18 lawn?
19 A Yes.
20 Q He would also help with the cooking and cleaning?
21 A Yes.
22 Q And your dad and your mom liked to take walks
23 together?
24 A Mom did not go for a walk with Dad. Dad went on
25 his own.

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1 Q It says your dad was good at weaving baskets; is
2 that right?
3 A Yes.
4 Q What type of baskets did your dad weave?
5 A Exhibit --
6 Q Oh, you brought some.
7 A Yes.
8 Q So these are like wicker baskets?
9 A Yes.
10 MR. McCoy: We'll give you photos of
11 these.
12 MR. LEE: And that's fine. I don't need
13 to mark those as exhibits either.
14 BY MR. LEE:
15 Q When did your dad start weaving?
16 A I believe Dad started weaving perhaps 10 to 12
17 years before his death.
18 Q When did your father retire?
19 A I believe it was 1981 or '2.
20 Q And so your father had been retired for almost a
21 decade or more by the time he got sick; is that
22 right?
23 A Yes.
24 Q Why did your father retire?
25 A He retired because of his health. His -- he was

1 losing his vision.
 2 Q What was causing your father to lose his vision?
 3 A The diabetes that he had was causing the blood
 4 vessels in his eyes to burst.
 5 Q So your father had diabetes?
 6 A Yes.
 7 Q When was he first diagnosed with diabetes?
 8 A Dad was in his early 40s when he was diagnosed.
 9 Q So that goes all the way back to the 1940s; is
 10 that right?
 11 A It was -- I know that I was seven years old when
 12 he went to the hospital.
 13 Q So that would have been in the 1960s?
 14 A Correct.
 15 Q Okay. So he had been working for about 30 years
 16 after he was diagnosed with diabetes; is that
 17 right?
 18 A Yes.
 19 Q Okay. And I should go back. I think I made a
 20 math mistake there.
 21 It would have been about 20 years from the
 22 1960s to the 1980s; is that right?
 23 A Yes. Yes. Yes.
 24 Q Okay.
 25 A Um-hum.

1 Q And you remember your dad being diagnosed with
 2 diabetes; is that right?
 3 A Yes.
 4 Q You were about seven at the time?
 5 A Yes.
 6 Q Would have been about 1965, then. Is that about
 7 right?
 8 A Approximately, yes.
 9 Q And did your father's diabetes get worse from 1965
 10 until he eventually had to retire?
 11 A His vision was the only thing really bothering him
 12 at that time. He really took very good care of
 13 himself. He would never stray from the
 14 recommended diet. He never ate sugar. So it was
 15 just his vision that was affected.
 16 Q Did your father have any health issues -- prior to
 17 being diagnosed with mesothelioma, did your father
 18 have any health issues other than diabetes?
 19 A No.
 20 Q Did he have any heart issues?
 21 A No.
 22 Q Was your father ever a smoker?
 23 A No. Never.
 24 Q Did your father drink alcohol?
 25 A No.

1 Q We talked about your father having a job as an
 2 insulator for many years. Did your father have
 3 any jobs -- let's say after 1945, did your father
 4 have any jobs other than being an insulator?
 5 A No, he did not.
 6 Q You said your father worked in a gas station for a
 7 while. Do you know what type of work he did?
 8 A That was my oldest brother that worked at a gas
 9 station.
 10 Q I apologize.
 11 A That's okay.
 12 Q Okay. So your father was still an insulator at
 13 the time that he retired?
 14 A Correct.
 15 Q Was your father in a union, do you know?
 16 A Yes.
 17 Q Do you know what union he was in?
 18 A It's in the back of my mind. I don't recall right
 19 now, but I know that he was a union man.
 20 Q Okay. Do you know if your father ever had any
 21 leadership roles in the union?
 22 A Not to my knowledge.
 23 Q Was your father ever a foreman on a job?
 24 A Not to my knowledge.
 25 Q Do you know what a business agent is for a union?

1 A No, I do not.
 2 Q Do you know what a financial officer is for a
 3 union?
 4 A No, I do not.
 5 Q I think I forgot to ask you. What do you do for a
 6 living?
 7 A Right now I am semi-employed. I am a massage
 8 therapist very part-time, and I have just started
 9 a retail job.
 10 Q Have you ever worked for an insurance company?
 11 A Yes, I have.
 12 Q Which insurance company?
 13 A Wisconsin Physicians Service.
 14 Q Okay. What was your job there?
 15 A I had different positions. I started out as a
 16 data entry operator. Then I was a psychiatric
 17 claims adjuster. Then I was a psychiatric
 18 utilization profile reviewer. And then I was in
 19 coordination of benefits. All less than seven
 20 years.
 21 Q Did you ever work for a company called CNA?
 22 A A company called CNA?
 23 Q Yes.
 24 A It does not sound familiar to me.
 25 Q Have you ever had a title that would correspond

1 with the initials CNA?

2 A Yes.

3 Q What title?

4 A Certified nursing assistant.

5 Q Okay. Did you go to nursing school?

6 A I started to go to nursing school.

7 Q You did not finish, though?

8 A I did not finish.

9 Q What is your educational background? Let's go

10 from college.

11 A I started out with an associate degree in interior

12 design. I have another associate degree in

13 liberal studies. I have other college classes

14 that I have taken in religious studies and

15 psychology and social work. And I have a diploma

16 in massage therapy.

17 Q Okay. As a certified nurses assistant, have you

18 worked in the medical field?

19 A Yes.

20 Q What type of work did you do in the medical field?

21 A I have worked at Meriter Hospital here in Madison.

22 That was before I became a certified nursing

23 assistant. I was a unit clerk.

24 And then I was -- I handled the legal birth

25 certificates through Meriter Hospital for the

1 State of Wisconsin.

2 I left that position to serve a mission in

3 the Czech Republic for a school year -- that was

4 the '94-'95 school year -- in Brno.

5 When I returned, I worked as an LTE at the

6 university in their accounting department.

7 Q When you say "LTE," what do you mean?

8 A A limited-term employee.

9 Q Okay.

10 A Essentially, that means I'm lucky I didn't have to

11 pay them to work there. I got no benefits.

12 Before I left for my mission overseas, I was

13 at Meriter Hospital for six years, seven months.

14 Something like that.

15 Q So other than your work at Meriter Hospital, have

16 you worked in the medical field?

17 A Yes.

18 Q Okay. Where else?

19 A I worked for Dane County at Badger Prairie Health

20 Care Center in Verona, Wisconsin.

21 Q And what did you do there?

22 A I was certified nursing assistant, CNA.

23 Q Okay. And did you work with patients while you

24 were at that healthcare facility?

25 A All the time.

1 Q What type of patients did you work with?

2 A We have a variety of residents that live at

3 Badger Prairie. It has been said that we get the

4 worst of the worst. We get residents that get

5 kicked out of other nursing homes that come to us.

6 We have many dementia patients. We have

7 personality disorders. We get Huntington's chorea

8 patients.

9 Q Do you still work there?

10 A Not really. No.

11 Q When was the last time that you worked there?

12 A November 1, 2012.

13 Q The Badger Health Care, is that -- is it a mental

14 health facility, or does it see medically ill

15 patients as well, physically?

16 A We have a nursing home license. Badger Prairie

17 itself has quite an extensive history that dates

18 back to 1852 as a poor farm.

19 At one point in their history, they had two

20 licenses. They had a psychiatric license and a

21 nursing home license. That was before I started

22 working there, which was March 30, 1998.

23 Q Okay.

24 A Since that time, we have only carried a nursing

25 home license. We are owned by the County, so we

1 are County-funded. I talk like a still work

2 there. I have a love and a certain connection to

3 that facility.

4 Q Okay. So you worked there from the late '90s to

5 2012. Is that about right?

6 A 16 years.

7 Q Okay. You mention, going back to **Exhibit 2**, that

8 your father would take care of general maintenance

9 on cars.

10 A Yes.

11 Q Family cars? Other people's cars? Whose cars?

12 A Family cars.

13 Q Going back to the Pontiac or Chevy that's in that

14 picture?

15 A Yes.

16 Q The whole time growing up, as long as you can

17 remember, was your dad working on family cars?

18 A Yes.

19 Q What type of work would he do on these cars?

20 A Oil changes. Anything that he was able to do

21 without having to take it to a garage he would do.

22 Q Brake jobs?

23 A I don't know if he specifically worked on brakes.

24 I do remember him having the car up on mounts, and

25 he would be on the little wheels or small gurney

1 sliding underneath the car to look at the engine
2 from below.

3 I know he would change tires. He would
4 rotate tires. He would do any maintenance that he
5 could do. Things that he was not able to do, he
6 would usually take it in to a garage.

7 Q Did you ever help your father do any of that
8 automotive work?

9 A No, I did not.

10 Q Okay. So is it fair to say you don't know whether
11 he did or did not perform any brake jobs on your
12 family cars?

13 A I honestly do not know.

14 Q Okay. You said that your dad was really good at
15 building things.

16 A Yes.

17 Q What types of things would he build?

18 A Anything at all. You name it. He was very good
19 at working with his hands. He had built a
20 wheelbarrow. He and I had built a doghouse.

21 He could manufacturer patterns for the
22 basket. In fact, I think this basket, this small
23 garbage can basket with brown beads, was his first
24 creation. And, of course, to make the basket into
25 a shape, you need to have a mold or a form. And

1 he would create a form. He would determine what
2 shape he wanted it, and he would come up with the
3 form, things that he had around the basement,
4 around the house, duct tape them together, and
5 then proceed to wrap the -- I'm sorry. I forget
6 what this is called -- the straw around the mold
7 and weave.

8 Q Okay. Did your father do any household repair
9 work?

10 A Whatever he could, he would do it. And he never
11 left anything go for too long. He kept things in
12 good repair.

13 Q Having two brothers at home, any wall damage
14 growing up?

15 A No. No. Ma would not let things get that far.

16 Q Understood. If there was drywall work that needed
17 to be done, would your father do that in the
18 house?

19 A You know, I have to admit I don't recall a
20 situation where we needed to have drywall done. I
21 know that when we lived in Rockford, he began to
22 finish off the basement. He put studs up as
23 partitions, but the house was sold before any
24 drywall was put up.

25 Q When -- I should ask this. After your family left

1 Rockford in 1968, where did you move to?

2 A My siblings had all left the house by then. I was
3 the only child remaining at home. I was 10 years
4 old when my parents and I moved to Sun Prairie,
5 Wisconsin, July 1, 1968.

6 Q So here by Madison?

7 A Correct.

8 Q All right. And how long did your family stay here
9 in the Madison area?

10 A My parents lived here until 1982, I believe, when
11 they both retired and moved back to Superior,
12 leaving me here.

13 Q Okay. Do you know what year it was that your
14 brother Gary moved out of the house?

15 A I believe he was 17. And I know I was four years
16 old, because he went -- we drove out East to bring
17 him to Villanova College.

18 Q Is that where your brother attended undergraduate
19 school?

20 A At least he started out there. I know he went to
21 Champaign, Illinois, law school there.

22 Q Okay. So you were how old again when your brother
23 moved out?

24 A I was four years old when my oldest brother,
25 Derald, got married, and I was four years old when

1 Gary left home and went to college.

2 Q So that would have been about 1962?

3 A That would be about so.

4 Q Okay. Do you know -- did either of your brothers
5 ever work with your father?

6 A No. Not to my knowledge.

7 Q You mentioned in **Exhibit 2** that your dad was very
8 social and very talkative.

9 A Yes.

10 Q What type of things did he like to chat with the
11 family about?

12 A You name it. He would talk about it. He usually
13 liked to tell jokes. He would talk about cars.
14 He would talk about the Packers. He was a big
15 Packer fan. He liked to talk about
16 Vince Lombardi.

17 He liked to talk about working -- cars. Cars
18 in general. But he would talk about what he had
19 to do on our car or what he couldn't do, and that
20 he had to take it in, and what place is not good
21 to go to because they would rip you off, so it's
22 better to go to this place.

23 He would talk about yardwork, and he would
24 talk about his family, and he would talk about
25 work sometimes also.

1 Q So let me ask you about that. There are a lot of
 2 dads who talk about work a little bit, but it's
 3 not their favorite topic.
 4 How was your dad along those lines?
 5 A He would -- usually he would come home very tired.
 6 When I was a little girl in Rockford, I would meet
 7 him at the front gate and carry his lunch pail in.
 8 And he would come in, sit down, unlace his boots
 9 and take them off, and just have a deep sigh, like
 10 it felt good to get the boots off. It just felt
 11 good to sit back and relax for a little while.
 12 He would often show me the burns that he
 13 would get on his arms, his forearms, from working
 14 in the hot pipes in tight areas. He would talk
 15 about some guys that were lazy on the job and
 16 didn't -- or didn't do the job right.
 17 And I know my dad was very -- very
 18 persnickety about getting his job done right and
 19 doing it right the first time. And I won't use
 20 his vernacular.
 21 But he would -- you know, speaking of being
 22 social, he also liked to tell jokes, many of which
 23 shouldn't be repeated.
 24 Q I grew up in a construction family.
 25 A Oh.

1 Q I can -- I've probably heard a few of them.
 2 A Okay.
 3 Q And I understand the vernacular, so --
 4 A So that -- Dad was not shy. He was -- he was very
 5 talkative. He and my mother were very talkative,
 6 social people.
 7 Q And I guess that's what I want to get to. You
 8 mentioned work. Like I said, I grew up in a
 9 construction family. There are times perhaps --
 10 and, you know, I didn't know your father, so --
 11 folks come home and they talk a little bit about
 12 work, what's nagging them, but they want to move
 13 on to the stuff that they really enjoy.
 14 Was that kind of how your father was with
 15 talking about work, or was work something he kind
 16 of dwelled on all the time?
 17 A He didn't dwell on it all the time. He would say
 18 what he had to or complain about who he had to
 19 complain to or where he might have to work next,
 20 wherever the assignment would be. And then he
 21 would go through the mail that had come that day,
 22 and then he'd wash up and change clothes for
 23 supper.
 24 Q Okay. It wasn't a huge topic of conversation in
 25 your family?

1 A No. No.
 2 Q Okay. And when your family would talk about your
 3 dad's work, your dad would talk to family about
 4 work, did he get into specifics, like I was using
 5 this type of products today, or anything like
 6 that?
 7 A No.
 8 Q So just kind of the "here's what my day was like"
 9 type of thing?
 10 A General. Very general. Um-hum.
 11 Q Okay. Do your family -- do you have, like, family
 12 reunions or things like that?
 13 A We didn't specifically have a lot of reunions
 14 because Mom and I were up to Superior every
 15 summer. As soon as school got out, she'd pick me
 16 up at St. Edwards. I'd still be in my uniform.
 17 The car was packed, and we'd head out.
 18 In the very early days, it took probably
 19 seven or eight hours to get to Superior because
 20 the interstate was not completed then.
 21 But Dad would stay home. He'd have to work.
 22 And usually summer and winter around Christmastime
 23 and New Year's. So it's, like, why have a reunion
 24 when you see people for an extended period of
 25 time? You know, so there weren't formal

1 gatherings. I remember one time we had a reunion.
 2 But, you know, like I said, you see people all the
 3 time, so there wasn't any point.
 4 Q Once all you kids had kind of grown up and moved
 5 out of the house, how often would you all see each
 6 other?
 7 A Well, I would see Mom and Dad quite often because
 8 I was either living in Sun Prairie or Madison. So
 9 I'd see them on a weekly basis.
 10 My siblings I wouldn't see as much. Gary was
 11 out in the state of Washington. My sister and I
 12 were pretty close, and she remained in Rockford.
 13 And her and I were close, so I might go down there
 14 once every two months. Once Mom and Dad retired
 15 back to Superior, I would go to Rockford for big
 16 holidays.
 17 Q How often would you see your brothers?
 18 A Well, Derald had -- from Rockford, he had moved
 19 back to Superior after my maternal grandfather
 20 died. So he and his wife and their little girl
 21 Lynn lived with my grandmother for several years
 22 to kind of watch over her and give her somebody to
 23 dote on.
 24 Q Okay.
 25 A So I wouldn't see -- you know, I might go to

1 Superior twice a year, but now it was on my dime
 2 and not my parents' dime, so I -- but I was able
 3 to do that for -- at least up until maybe four
 4 years ago.
 5 Q Okay.
 6 A Three, four years ago.
 7 Q How often would you see Gary?
 8 A Not real often. The last time I saw him was maybe
 9 two years ago when he was in town for his 50th
 10 class reunion.
 11 Q From the time Gary went away to college until your
 12 father passed away, how often would your family
 13 see him?
 14 A Well, I know Mom would fly out there to visit now
 15 and then. I know even my parents would fly out
 16 there for, like, a graduation or something. But I
 17 would be working, so I couldn't always take off to
 18 go with them.
 19 The last time I was -- actually flew out to
 20 Seattle was in 2000 for his daughter's wedding.
 21 But I wish I could travel more, but I don't have
 22 the funds to do that.
 23 Q Sure. How often would Gary come back after he
 24 went away to college, say, after he graduated from
 25 law school?

1 A He would come back for some major events. For
 2 example, we planned a special birthday party for
 3 Mom's 70th birthday, and he flew in for that
 4 event.
 5 Q Okay. Other than the 70th birthday, how often
 6 would he return back to see the family?
 7 A Maybe once every five years or so.
 8 Q Okay. I want to switch gears a little bit. And
 9 do you need a break or anything?
 10 A No. I'm okay so far.
 11 (Discussion held off the record.)
 12 BY MR. LEE:
 13 Q Actually, let me ask. How often -- other than
 14 seeing your brother Gary, how often would you talk
 15 to him in the years after he went to Seattle?
 16 A I would call him anytime. It might have been once
 17 every three months or so.
 18 Q Okay. Did he talk to your parents very often?
 19 A Yes. Um-hum.
 20 Q So my understanding is that your father got sick,
 21 was diagnosed with mesothelioma, in the mid-'90s;
 22 is that right?
 23 A In 1996 October.
 24 Q And he passed away in 1997; is that correct?
 25 A No. It was the same year. 19 -- diagnosed in

1 October. He died December 29th of that same year.
 2 Q Okay. So he was -- how long had he been sick
 3 before he was diagnosed, if you know?
 4 A We just knew that he was having difficulties. His
 5 blood sugars started to be very erratic. They
 6 would be very high or they would be very low. He
 7 would end up going into diabetic shock at times.
 8 And what used to be in control, like his
 9 blood sugar, was really hard to control at this
 10 point. We weren't labelling it as anything other
 11 than it's diabetes rearing its ugly head.
 12 And he would go to the doctor, and they would
 13 run tests thinking, well, maybe it's Ozzie's
 14 kidneys. And the tests would indicate that
 15 there's really no significant problems with his
 16 kidneys.
 17 And gradually Dad would start having problems
 18 with his abdomen, having some pain or discomfort.
 19 He was never one to cry and whine about pain. He
 20 was never one to call in to work because of
 21 whatever. He would just go to work even if he had
 22 a cold.
 23 So I don't specifically know how long he was
 24 having problems with his abdomen other than he
 25 wanted to rest more. He would sit in a

1 comfortable chair and close his eyes and just put
 2 his arms over his abdomen as if to support it or
 3 comfort it.
 4 Then he was starting to have trouble passing
 5 stool. His appetite was changing. He didn't have
 6 quite the appetite like he used to have. He
 7 wouldn't eat as much, and, of course, that also
 8 affected his blood sugar because he was supposed
 9 to take insulin before he ate breakfast and before
 10 he ate supper. And thinking that or hoping he
 11 would be able to eat a regular meal and not be
 12 able to eat it would affect, you know, the amount
 13 of insulin that he took for a regular meal and
 14 then only eat half of it. You know, all of that
 15 was kind of wreaking havoc on his body.
 16 And so it was a gradual decline in his
 17 interests and his physical activity and more
 18 complaints about not feeling good, not -- his
 19 abdomen. His erratic blood sugars now. His
 20 lethargy.
 21 And by the time the doctors decided to do the
 22 surgery, you know, once they did the surgery, they
 23 told us that he was a dying man.
 24 Q So let me go back and ask just a couple of
 25 questions out of that to make sure I understand.

1 Okay?

2 And the first question is it sounds like

3 initially the symptoms your father was having

4 dealt with the fluctuation in the blood sugar.

5 A Um-hum.

6 Q Is that right?

7 A Correct.

8 Q And initially they were symptoms that appeared to

9 be related to his diabetes and not to something

10 else; is that right?

11 A Correct.

12 Q Okay. And eventually the symptoms got worse?

13 A Yes.

14 Q And do you know, was your father's cancer in his

15 stomach area or in his lungs? In his chest?

16 A To my knowledge, it was in his abdomen. That's

17 all that Mom said. It's in -- his abdomen is full

18 of tumors.

19 Q So have you ever heard the word peritoneal

20 mesothelioma?

21 A I've heard those words. Yes.

22 Q Is that what your father had?

23 A I honestly could not say.

24 Q Okay. You then just mentioned a surgery that your

25 father had. That was after he was diagnosed with

1 mesothelioma?

2 A No. That pretty much -- when they opened him up,

3 they found the tumors and just closed him up.

4 Q So it was exploratory surgery to try to find out

5 what was wrong, if you know?

6 A I honestly don't know what initiated the surgery.

7 Q Okay. After your father was diagnosed with

8 mesothelioma, did he have any chemotherapy or

9 radiation therapy?

10 A No.

11 Q Was he in hospice care?

12 A He was.

13 Q How long was your father in hospice care?

14 A I know for sure he was in hospice when he came

15 home to die on Christmas Eve. I know when he was

16 in the hospital, he was in the hospice section.

17 Q How long was your father in the hospital after his

18 diagnosis?

19 A Perhaps five days to a week.

20 Q Was your father on pain medication for his cancer?

21 A To my knowledge, he was on morphine.

22 Q Let me -- let me ask. Between the time that your

23 father was diagnosed and the time that he passed

24 away, how often were you in Superior with he and

25 your mother?

1 A I was there three times.

2 Q And were you -- were these long visits? More than

3 a couple of days?

4 A There was two visits that were a week long, and

5 then another one was, like, a few days, because I

6 had a job. But I would call home practically

7 every day.

8 Q After -- so I'm going to assume one of the --

9 we've already talked about one of the visits,

10 which was in the last week of your father's life.

11 A Um-hum.

12 Q And that was one of the week-long visits; is that

13 correct?

14 A Yes. Um-hum.

15 Q In the visits prior to that, was your father's

16 pain relatively controlled by the pain medication

17 he was on?

18 A To my knowledge, it seemed to be in control. I

19 don't know how often he would take the medication

20 for pain, but he was much more quiet. He was much

21 more sedate.

22 Q And morphine can do that to people. It can make

23 people more sedate.

24 A Um-hum.

25 Q As opposed to the side effects of the medicine,

1 though, it seemed to you as though the pain

2 medication was working? It was helping to control

3 his pain; is that right?

4 A I believe the pain was controlled. However, I

5 could still observe that he was uncomfortable.

6 Q Can you describe what you mean by "uncomfortable."

7 A It was regarding his abdomen. It would be the way

8 he would sit in the chair, trying to make more

9 room for his expanding abdomen. He wouldn't sit

10 straight, like a 90-degree angle. He would, you

11 know, extend his feet out on a foot stool. He

12 would be adjusting himself in a chair and then to

13 the other side. So that was giving me the

14 impression that he was uncomfortable and trying to

15 make himself more comfortable.

16 Q Sure.

17 A Because of the tumors growing inside his abdomen.

18 Q And I don't mean to belittle it. Some people have

19 described it as the kind of discomfort you have

20 when you're constipated where you just can't get a

21 feeling. Is that what you're describing?

22 A He did have one bowel movement in the hospital,

23 and I remember that specifically because the nurse

24 was amazed that something actually passed. But to

25 my knowledge, after that, he did not have any

1 bowel movements for weeks until he died.
 2 Q So you were kind of nodding your head when I said
 3 kind of the discomfort like when you're
 4 constipated and you just can't get comfortable.
 5 A Yes.
 6 Q That's what you're describing for your father?
 7 A Yes. That would be what I'm describing.
 8 Q Was your dad able to drive in the last few years
 9 of his life?
 10 A No.
 11 Q You put on Exhibit 2 that your dad had attended a
 12 school for visually handicapped persons.
 13 A Correct.
 14 Q How bad was his eyesight in the last few years?
 15 A He would not drive. How his eyesight was affected
 16 was his tunnel vision was decreasing. He was
 17 still having peripheral vision, so he could still
 18 see some things, like, out of the corner of his
 19 eye. But probably in the last couple years even,
 20 that was starting to diminish.
 21 Q How -- well, with your dad's eyesight, was he
 22 still able to build things other than baskets or
 23 work around cars or anything like that?
 24 A He would keep track in his head, because he would
 25 ask Mom, well, how many miles are on the car now,

1 and we need to make sure we schedule an oil
 2 change, and we need to get the car -- he wouldn't
 3 do it himself. But up in his head, Dad was always
 4 on those issues.
 5 Q Sure.
 6 A So he would see to it by reminding my mother that
 7 it needed to be done.
 8 Q And for how long had it been before he got sick
 9 that he wasn't able to work on cars?
 10 A You mean physically, like --
 11 Q Do the work himself.
 12 A -- getting the tires up?
 13 It had -- maybe ten years or so.
 14 Q And as far as doing work around the house or
 15 things like that, using tools, how long had it
 16 been before he got sick that he was unable to do
 17 that because of his vision?
 18 A I'd say maybe seven years. Because he would
 19 still -- when he was weaving the baskets, he was
 20 in his workshop downstairs. And he still had
 21 tools that he would use or be able to use, or he
 22 would ask someone, "Can you just make sure that
 23 this is lined up correctly?" But he would still
 24 use it.
 25 I mean, he could use tools in his sleep, I

1 believe, because he -- like I said, he always
 2 worked with his hands, so he always had his tools
 3 around so he knew where they were at. They were
 4 hung in certain places, and he would make sure to
 5 put them back so he could find them easier.
 6 Q Okay. Was your dad making baskets up until the
 7 time that he was diagnosed?
 8 A Yes.
 9 Q How about mowing the lawn? Was he still mowing
 10 the lawn?
 11 A No. Like a year prior to that or so, maybe a
 12 little more than that, he didn't mow the lawn
 13 anymore. Just wasn't feeling energetic. Mom
 14 hired a neighbor kid to do the lawn.
 15 Q After your father passed away, your mother filed a
 16 lawsuit on his behalf; is that correct?
 17 A That, I don't know.
 18 Q Did you ever talk with your mom about a lawsuit
 19 that was pending?
 20 A I know that my brother Gary would be privy to that
 21 information, being an attorney. And I trust my
 22 brother and I trust my mother, so whatever those
 23 two decided would be best is what they would
 24 proceed with.
 25 Q Has your brother Gary, since he graduated from law

1 school, given legal advice to your family?
 2 MR. McCOY: Objection to the form of
 3 that question.
 4 You can go ahead and answer if you think
 5 he -- if you think, based on whatever your
 6 understanding is of the question, if that's
 7 happened. But don't reveal the substance of the
 8 communications.
 9 Do you want to read the question back?
 10 MR. LEE: I'll restate it.
 11 BY MR. LEE:
 12 Q Since your brother has graduated law school, has
 13 he given legal advice to your family?
 14 A Yes.
 15 Q Do you know if your father had a will?
 16 A Not to my knowledge.
 17 Q Do you know if your mother had a will?
 18 A Not to my -- well, I can probably say no. We
 19 tried and tried to get her to make one out,
 20 because -- what furniture do you want to go where?
 21 Who do you want to have this or that? It was very
 22 difficult. But, no, there was nothing formal.
 23 Q Okay. After your father died, was his estate in
 24 probate? Do you know?
 25 A Not to my knowledge.

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1 Q Do you know how the proceeds of your father's
2 estate were distributed?

3 MR. McCOY: Let me object to that. You
4 know, we've already had a ruling on that point by
5 the Court.

6 But you can answer if you know about the
7 process of how that all happened or whether you do
8 or don't know.

9 THE WITNESS: Well, honestly, I don't
10 know about the process of that.

11 BY MR. LEE:

12 Q Okay. Do you know if your father's estate was
13 closed?

14 MR. McCOY: You can answer if you
15 understand what he's asking.

16 THE WITNESS: I don't really understand
17 the question.

18 BY MR. LEE:

19 Q Do you know if all of the assets of your father's
20 estate have been distributed?

21 MR. McCOY: Same thing. You can answer
22 what you know.

23 THE WITNESS: I really have no idea.

24 BY MR. LEE:

25 Q Have you received any assets out of your father's

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1 estate?

2 MR. McCOY: Same thing. You can answer.

3 THE WITNESS: Very little.

4 BY MR. LEE:

5 Q Okay. What assets have you received out of your
6 father's estate?

7 A Some money. I have a necklace he used to have,
8 and I have his old mandolin, but --

9 Q Do you know, was the money that you received part
10 of a lawsuit?

11 A I think it may have been.

12 Q Okay.

13 MR. McCOY: Only answer -- don't guess.
14 Just answer what you know. Okay?

15 MR. LEE: If you know.

16 THE WITNESS: Well, then I guess I don't
17 know.

18 BY MR. LEE:

19 Q Why do you think it might have been from a
20 lawsuit?

21 A Because I remember hearing the name
22 Cascino Vaughan in past years.

23 Q Do you remember when you first heard the name
24 Cascino Vaughan?

25 A I don't recall. No.

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1 Q Have you ever -- before today, have you ever met
2 with Mr. McCoy or any of the members of his law
3 firm?

4 A No.

5 Q Before today, did you even know who Mr. McCoy was?

6 A Not really.

7 Q Okay. Before today, did you know what --
8 Cascino Vaughan Law Offices, what services they
9 were performing on behalf of your family?

10 A No.

11 Q Have you ever been consulted with regard to any
12 services that Cascino Vaughan was performing?

13 A No. Uh-uh.

14 Q Are you represented today -- let's not talk about
15 the deposition. But are you a member of a group
16 of people who is bringing a lawsuit on behalf of
17 your father's estate?

18 A No.

19 Q Have you ever been informed that you were a member
20 of a group of people on whose behalf a lawsuit had
21 been filed regarding your father's estate?

22 A No.

23 Q Are you aware of any lawsuit that's ever been
24 filed on behalf of your father's estate?

25 A Just by this deposition.

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1 Q Before you received a subpoena to appear for this
2 deposition, were you aware that there was a
3 lawsuit pending on behalf of your father's estate?

4 A My brother Gary called me last month to give me a
5 heads-up that I would have to give a deposition.

6 Q Did he tell you why?

7 A It had to do -- regarding my father.

8 Q Did he tell you what about your father you would
9 have to testify about?

10 A No. He didn't really specify.

11 Q Did he tell you what you should prepare for in
12 your deposition today?

13 A No.

14 Q Have you ever signed an agreement to have
15 Cascino Vaughan represent you individually?

16 A No.

17 Q Have you paid any money to Cascino Vaughan for
18 your representation?

19 A No.

20 Q Do you intend to?

21 A No.

22 Q Do you expect to receive a bill for Mr. McCoy's
23 time today?

24 A Not to my knowledge.

25 Q Have you and Mr. McCoy ever discussed a scope of

1 representation with regard to you?
 2 A No.
 3 Q Has Mr. McCoy ever told you that he's your
 4 personal lawyer?
 5 A No.
 6 Q Do you think Mr. McCoy is your personal lawyer?
 7 A No.
 8 Q Do you know why Mr. McCoy is here today?
 9 A I believe I do.
 10 Q Why is that?
 11 A Because he is a representative from
 12 Cascino Vaughan, and I think my brother is the one
 13 that has initiated a lawsuit, and I have just been
 14 subpoenaed to give a deposition.
 15 Q You don't understand that you have any rights in a
 16 lawsuit, do you?
 17 A Probably not if it's -- if my name is not on any
 18 papers, then no.
 19 Q Okay. Do you expect to receive any money from
 20 that lawsuit?
 21 A I have no idea what my brother's intention is.
 22 Q Has your brother ever told you that you should
 23 expect to receive money from a lawsuit?
 24 A He indicated that we may get something, but he did
 25 not indicate a monetary value.

1 Q I'm going to hand you back your notes. I'm going
 2 to take what we've marked as Exhibit 2 and hand it
 3 to the court reporter, because if I keep it, it
 4 won't stay where it's supposed to.
 5 So do you communicate with your brother via
 6 email ever?
 7 A Yes.
 8 Q Have you ever communicated with your brother via
 9 email about your father's estate?
 10 A No.
 11 Q Have you ever communicated via email with your
 12 brother about this lawsuit?
 13 A I just told him that I had received a subpoena and
 14 when the date was.
 15 Q Okay. Did he email you back?
 16 A Yes. And he just said, "Okay." You know.
 17 Q Has your brother asked you ever to give him
 18 blanket authority to resolve matters on behalf of
 19 your father's estate?
 20 A No.
 21 Q Have you ever given your brother blanket authority
 22 to resolve matters on behalf of your father's
 23 estate?
 24 A No. Uh-uh.
 25 Q Has anybody from Cascino Vaughan ever asked you to

1 give them blanket authority to resolve matters on
 2 behalf of your father's estate?
 3 MR. McCOY: Don't -- don't answer that
 4 question. That's objectionable.
 5 MR. LEE: Okay. So, Bob, I want to have
 6 a conference about that. The issue has been
 7 raised by your affidavit and Mr. Suoja's
 8 affidavit, and the privilege is waived once you
 9 put the conduct at issue.
 10 So given that, are you going to continue
 11 to raise the objection?
 12 MR. McCOY: You're saying this question
 13 is limited to --
 14 MR. LEE: Cascino Vaughan's authority.
 15 MR. McCOY: -- the settlement --
 16 settlement agreement?
 17 MR. LEE: Cascino Vaughan's authority
 18 with regard to the estate.
 19 MR. McCOY: I don't think that the
 20 question you're asking relates to the settlement
 21 agreement you're talking about.
 22 I mean, if you want to put a settlement
 23 agreement on a certain date and terms in there, I
 24 guess you could ask her if my firm had authority
 25 to act for her, if she ever said that we could do

1 that for her. You can ask her that.
 2 BY MR. LEE:
 3 Q Have you ever given Cascino Vaughan authority to
 4 act on your behalf with regard to any lawsuit?
 5 A No.
 6 Q Okay.
 7 MR. McCOY: That answers it.
 8 BY MR. LEE:
 9 Q Are you aware that there have been settlements
 10 made in a lawsuit related to your father's estate?
 11 MR. McCOY: Object to -- object to the
 12 question.
 13 You can answer for whatever.
 14 THE WITNESS: All I know about is one
 15 check that I received.
 16 BY MR. LEE:
 17 Q From whom did you receive that check?
 18 A My brother Gary. It maybe was, like, \$500. It
 19 wasn't significant.
 20 Q Did he tell you what that check represented?
 21 A I don't recall.
 22 Q Did he tell you why you were receiving that check?
 23 A He wrote a short note with the check, and I don't
 24 remember what it said. It was a very long time
 25 ago.

1 Q How long ago was that?

2 A Maybe 15 years ago. It was a long time.

3 Q So in the late '90s, early 2000s?

4 A Yeah. More like in the 19 --

5 Q 1990s?

6 A I think. I think so. Yeah.

7 Q Was your mother still alive when you received that

8 check?

9 A Yes. Um-hum.

10 Q Since your mother has passed away, have you been

11 consulted by your brother about any settlements

12 related to your father's estate?

13 A No.

14 Q Do you know, is there a person who's appointed to

15 handle your father's estate?

16 A It probably would have been my mom.

17 Q Okay.

18 A But I have no idea.

19 MR. McCOY: Don't guess. Just answer

20 what you -- if you don't know, you don't know.

21 THE WITNESS: I really don't know.

22 BY MR. LEE:

23 Q Okay. Do you know if your brother has ever been

24 appointed to administer your father's estate?

25 A I don't know for sure.

1 Q That's fine. You don't need to guess.

2 He's never told you that he's been

3 appointed --

4 A No.

5 Q -- to administer your father's estate?

6 A No.

7 Q Has your brother ever told you that there have

8 been discussions about settlements related to your

9 father's estate?

10 A No. Uh-uh.

11 Q Has he ever informed you about any settlement

12 offers made with regard to your father's estate?

13 A No.

14 Q Okay. I want to ask a little bit. I'm going to

15 hand you what I've marked as Exhibit 1 for your

16 deposition today. Okay?

17 In front of you, you've got what we marked as

18 Exhibit 1; is that right?

19 A Yes.

20 Q And what is Exhibit 1?

21 A Exhibit 1 is a subpoena to Kimberly A. Suoja.

22 Q Okay. And that's the subpoena that you received

23 with regard to your deposition today; is that

24 right?

25 A Yes. That is correct.

1 Q Did you review the subpoena before you came today?

2 A Yes.

3 Q Okay. Did you talk to Mr. McCoy about the

4 subpoena before you came here today?

5 A Specifically what's on this page? No.

6 Q Anything that's included in all the pages of

7 Exhibit 1.

8 A Other than maybe what pictures. I asked him if I

9 could bring some pictures.

10 Q Okay. How long -- actually, did you have a

11 meeting with Mr. McCoy before your deposition

12 today? In-person meeting?

13 MR. McCOY: You can answer.

14 THE WITNESS: Yes.

15 BY MR. LEE:

16 Q How long was that meeting?

17 A Less than an hour.

18 Q Okay. Did you discuss your testimony today?

19 MR. McCOY: Don't answer the question.

20 It's objectionable.

21 BY MR. LEE:

22 Q Other than the hour-long meeting that you had with

23 Mr. McCoy this morning, have you had any other

24 meetings with Mr. McCoy?

25 A Just briefly by phone.

1 Q Did you discuss which pictures to bring today

2 during the phone calls or during the hour-long

3 conversation today?

4 MR. McCOY: Let me -- let me object to

5 that question again. Don't answer that question.

6 You can -- you can answer to him how you

7 decided on the photos that you brought or how they

8 got here today is fine as long as you don't get

9 into any conversations with me.

10 BY MR. LEE:

11 Q And, again, you don't have an agreement with

12 Mr. McCoy to be your lawyer; is that right?

13 A That is true.

14 Q Okay. So what did you and Mr. McCoy talk about

15 today?

16 MR. McCOY: I represent -- I represent

17 her in connection with this matter.

18 MR. LEE: Mr. McCoy, she's already told

19 us three times that you don't have an agreement to

20 be her lawyer.

21 MR. McCOY: I certainly represent her in

22 connection with this matter.

23 BY MR. LEE:

24 Q Okay. You've never entered into an agreement with

25 Mr. McCoy to be your lawyer; is that correct?

1 You don't get to ask him a question.
 2 MR. McCOY: Well, she can ask that
 3 question.
 4 MR. LEE: No, she can't. Not before she
 5 answers.
 6 MR. McCOY: Okay. Let's go out in the
 7 hall for a second.
 8 MR. LEE: No. I need -- before you go,
 9 Bob, I need an answer to the question.
 10 MR. McCOY: You've been advised in
 11 writing by myself that there is --
 12 MR. LEE: Bob --
 13 MR. McCOY: -- that I am representing
 14 her.
 15 MR. LEE: Please stop. I need an answer
 16 to the question.
 17 Bob, please stop. I need -- no. No
 18 break.
 19 MR. McCOY: We'll go outside.
 20 MR. LEE: No break. Ma'am, you're going
 21 to go --
 22 Bob, if you talk to her about her
 23 testimony while you're outside, you're waiving any
 24 privilege, and I'm going to inquire when you come
 25 back.

1 (A recess is taken from 12:12 p.m. to 12:15 p.m.)
 2 BY MR. LEE:
 3 Q All right, Ms. Suoja. You just took a break;
 4 correct?
 5 A Correct.
 6 Q I had a question pending when you took the break;
 7 correct?
 8 A Correct.
 9 Q You did not answer that question before you took
 10 the break; correct?
 11 A Correct.
 12 Q You went outside at the request of Mr. McCoy to
 13 discuss what your answer would be to my question;
 14 correct?
 15 MR. McCOY: No. We didn't --
 16 MR. LEE: Bob, stop.
 17 MR. McCOY: You don't discuss anything
 18 more. Okay?
 19 MR. LEE: Bob, stop.
 20 MR. McCOY: Don't answer.
 21 BY MR. LEE:
 22 Q Is that what you did out in the hallway?
 23 MR. McCOY: Don't answer.
 24 BY MR. LEE:
 25 Q While you were in the hallway, did you discuss

1 what your answer to my question would be?
 2 MR. McCOY: You can tell him that you're
 3 not answering based on the statement of counsel.
 4 THE WITNESS: I'm not answering based on
 5 the statement of counsel.
 6 BY MR. LEE:
 7 Q Okay. While you were in the hallway, did you just
 8 hire Mr. McCoy?
 9 MR. McCOY: Same answer, if you want to
 10 give it.
 11 THE WITNESS: I am not answering based
 12 on statement of counsel.
 13 BY MR. LEE:
 14 Q When did you first hire Mr. McCoy?
 15 MR. McCOY: Give the same answer.
 16 MR. LEE: Bob, when the relationship was
 17 formed is not privileged, and you know that.
 18 THE WITNESS: I am --
 19 MR. McCOY: Let me put it this way.
 20 The question of my firm's representation
 21 of the members of the family as beneficiaries I've
 22 already addressed, and I addressed it to you
 23 before the deposition. I said I am representing
 24 her for the purposes of this deposition.
 25 That's never been a question. Okay? So

1 that's what it is.
 2 MR. LEE: It's a question that I have.
 3 MR. McCOY: Right.
 4 BY MR. LEE:
 5 Q When did you personally first hire Mr. McCoy?
 6 MR. McCOY: She doesn't -- she doesn't
 7 need to hire me. She doesn't -- she doesn't have
 8 that role in this case. That role has been played
 9 by her brother, and she's made that very clear.
 10 BY MR. LEE:
 11 Q You didn't even know that a lawsuit existed before
 12 today; correct?
 13 MR. McCOY: She's already answered that.
 14 MR. LEE: Bob --
 15 MR. McCOY: You can answer it again.
 16 THE WITNESS: Not until last month.
 17 BY MR. LEE:
 18 Q When you got the notice of deposition; is that
 19 right?
 20 A When my brother called me to tell me I could be
 21 expecting to give a deposition.
 22 Q Okay. Did your brother tell you why you should be
 23 expecting to give a deposition?
 24 A It was related to my father's death.
 25 Q Okay. Going back to the subpoena, if you turn in

1 two pages from the back, do you see a page that's
 2 labeled at the top "Subpoena Rider, Kimberly A.
 3 Suoja, Civil Action No. 3:99-cv-00475-bbc"?
 4 A Yes. I see that page that you have described.
 5 Q Okay. And on that page, do you see it says
 6 "Please produce records, in whatever form
 7 maintained, related to the following:"?
 8 MR. McCOY: Right. Go ahead.
 9 BY MR. LEE:
 10 Q Do you see that?
 11 A Yes, I see it. Um-hum.
 12 Q And you received this request; correct?
 13 A Yes.
 14 Q What have you done to locate these types of
 15 documents?
 16 MR. McCOY: That assumes that she has --
 17 MR. LEE: Bob --
 18 MR. McCOY: -- has any.
 19 You can answer.
 20 BY MR. LEE:
 21 Q What have you done to locate these types of
 22 documents?
 23 A I have no access to these documents.
 24 Q Okay. And when you say you have no access to
 25 these documents, do you have any records that

1 constitute an agreement between you and
 2 Cascino Vaughan Law Offices to engage or retain
 3 them as your attorney?
 4 A None other than my brother is -- has the lawsuit
 5 with -- or through Cascino Vaughan. I --
 6 Q And I just want to make it clear. You've never
 7 given your brother authority to file a lawsuit on
 8 your behalf, have you?
 9 MR. McCOY: I'm going to object to that
 10 question. That's a legal question.
 11 You can answer for whatever you know.
 12 THE WITNESS: Could you repeat the
 13 question, please.
 14 BY MR. LEE:
 15 Q Have you ever asked your brother, "Please file a
 16 lawsuit on my behalf"?
 17 A No, I have not.
 18 Q Have you ever asked your brother, "Please file a
 19 lawsuit on behalf of the estate of our father"?
 20 A No, I have not.
 21 Q Have you ever been consulted about whether to file
 22 a lawsuit on behalf of the estate of your father?
 23 A No, I have not.
 24 Q Okay. So you don't have any records that
 25 constitute an agreement between yourself and

1 Cascino Vaughan Law Offices to act as your
 2 attorney, do you?
 3 MR. McCOY: You can answer. He's asking
 4 if you have such records.
 5 THE WITNESS: Yeah. I'm thinking. I'm
 6 beginning to see the game.
 7 No, I don't.
 8 BY MR. LEE:
 9 Q Okay. Because you've never engaged them as your
 10 attorney, have you?
 11 MR. McCOY: Objection. Don't answer the
 12 question. Calls for a legal conclusion.
 13 MR. LEE: Bob, the question of whether
 14 she's ever hired you or not does not call for a
 15 legal conclusion, and it's clearly within the
 16 scope of permissible questions, privilege or not.
 17 MR. McCOY: She's already answered that
 18 her brother makes the decisions about the lawsuit.
 19 BY MR. LEE:
 20 Q You've never hired Cascino Vaughan to be your
 21 lawyer, have you?
 22 MR. McCOY: You can answer -- you can
 23 answer if you can -- if you have the ability to
 24 answer that question or if you're -- again, if
 25 that information is within your brother's

1 involvement, then you should tell him that.
 2 THE WITNESS: This is very interesting,
 3 this exchange of words.
 4 I trust my brother Gary to make
 5 decisions -- legal decisions for the family
 6 whether or not he specifically asked me, Kimberly,
 7 do you mind if I do this, or can I do that? I
 8 trust my brother Gary.
 9 BY MR. LEE:
 10 Q Have you and your brother Gary ever specifically
 11 had conversations about retaining lawyers to
 12 represent your father's estate?
 13 A No.
 14 MR. McCOY: You can answer.
 15 BY MR. LEE:
 16 Q Okay. So he's never consulted with you at all
 17 about whether to file a lawsuit on behalf of your
 18 father's estate; is that right?
 19 A He has never asked me if I felt that should be the
 20 way to go.
 21 Q Okay. He's never asked you whether he should file
 22 the lawsuit or not; is that right?
 23 A Correct.
 24 Q He's never asked you whether he should retain a
 25 lawyer on behalf of your father's estate or not;

1 is that correct?

2 A Correct.

3 Q He's never asked you anything or even informed you

4 about a lawsuit that was filed on behalf of your

5 father's estate until you were subject to a

6 deposition; is that right?

7 A I think that was pretty accurate.

8 Q Okay.

9 A Yeah. Yes.

10 Q There's no agreement between you, as

11 Kimberly Suoja, and Cascino Vaughan Law Offices to

12 represent you, as Kimberly Suoja; is that right?

13 MR. McCOY: Objection. That's a legal

14 conclusion.

15 You can answer again.

16 BY MR. LEE:

17 Q Have you ever signed a document with

18 Cascino Vaughan Law Offices telling them that you

19 wanted them to be your lawyer?

20 MR. McCOY: You can answer.

21 THE WITNESS: No.

22 BY MR. LEE:

23 Q Okay. Have you ever had a conversation with

24 anyone from Cascino Vaughan Law Office telling

25 them that you wanted them to be your lawyer?

1 MR. McCOY: Let me object to that

2 question.

3 MR. LEE: What was the answer?

4 MR. McCOY: That question is a -- is a

5 privileged question.

6 MR. LEE: It's not.

7 BY MR. LEE:

8 Q Have you ever told anyone from Cascino Vaughan --

9 MR. McCOY: Just a minute. You can't

10 instruct the witness on the privilege. Okay?

11 MR. LEE: Bob, I wasn't talking to the

12 witness. I was talking to you. It's not

13 privileged.

14 MR. McCOY: You can't instruct anybody.

15 Okay? You're wrong, Josh.

16 MR. LEE: That's fine. The judge will

17 sort it out.

18 BY MR. LEE:

19 Q I'm assuming that you're going to follow whatever

20 Mr. McCoy says, and you're not going to answer my

21 question; is that correct?

22 A That would be correct, since I know that he is

23 here to help me. And, as far as I know, you are

24 not here to help me.

25 Q Okay. But Mr. McCoy could be here and want to

1 help you even though he's not your lawyer.

2 MR. McCOY: Objection. Don't answer

3 that question.

4 BY MR. LEE:

5 Q And so have you ever hired Mr. McCoy or

6 Cascino Vaughan Law Offices to be your lawyer

7 prior to stepping out in the hallway when I asked

8 you whether they were your lawyers or not?

9 MR. McCOY: She's already answered that

10 question many times. Okay?

11 MR. LEE: Okay. So the answer is no.

12 MR. McCOY: No, that's not the answer.

13 Okay? She said her brother handles the matters --

14 MR. LEE: Bob, now you're testifying.

15 MR. McCOY: No. You can't change her

16 testimony. She's made that clear.

17 BY MR. LEE:

18 Q All right. Do you have any records that

19 constitute an agreement between Cascino Vaughan

20 Law Offices and the estate of your father?

21 A No.

22 Q Have you ever seen any documents that constitute

23 an agreement between Cascino Vaughan Law Offices

24 and the estate of your father?

25 A No.

1 Q Have you ever had any discussions with anyone

2 about whether Cascino Vaughan Law Offices is

3 authorized to represent the estate of your father?

4 A No.

5 Q Okay. Have you ever had any conversations with

6 your brother Gary about the administration of your

7 father's estate?

8 A No.

9 Q You've mentioned that your brother has given legal

10 advice to the family in the past; is that right?

11 A Yes.

12 Q Okay. Have you ever retained your brother as an

13 attorney on your behalf?

14 A No.

15 MR. McCOY: Object.

16 BY MR. LEE:

17 Q Okay. Do you have any documents that relate to

18 any allegations about your father's exposure to

19 asbestos-containing product?

20 A No. Uh-uh.

21 Q Do you have any documents related to the estate of

22 your father?

23 A No.

24 Q Have you ever seen any documents related to the

25 estate of your father?

1 A No.
2 Q When did you first learn that Owens-Illinois had
3 made a settlement offer to the estate of your
4 father?
5 MR. McCOY: Objection.
6 You can answer if you know anything
7 about that.
8 THE WITNESS: You know, I honestly have
9 never heard the name Owens-Illinois until I
10 received this subpoena.
11 BY MR. LEE:
12 Q Okay. So any settlement offer that was made by
13 Owens-Illinois was never communicated to you; is
14 that correct?
15 A Correct.
16 Q Okay. Have you learned what the settlement offer
17 was?
18 A No.
19 Q Have you learned whether the settlement offer was
20 accepted or rejected?
21 A To my knowledge, my brother rejected the first
22 offer, and I don't know where things are going
23 from there other than children of Oswald are being
24 called on to do a deposition.
25 Q Okay. Your brother never consulted you about

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1 whether to accept or reject the offer; is that
2 correct?
3 A Correct.
4 Q Okay. Did anyone from Cascino Vaughan Law Offices
5 ever contact you about the settlement offer that
6 was made?
7 A No.
8 Q Okay. You don't know in what amount the
9 settlement offer was made; is that correct?
10 A Correct.
11 Q Because you never talked about this lawsuit with
12 your brother prior to the lead-up to your
13 deposition, you never told your brother, "I
14 understand there's a lawsuit. You just do
15 whatever you think is right"; is that correct?
16 A Could you repeat that question again.
17 Q Sure. You've never given your brother any
18 directions one way or the other about how to
19 resolve this lawsuit; is that correct?
20 A That is correct.
21 Q Okay. And I just want to be clear. I mean, you
22 understood from the time you got the subpoena that
23 I or whoever was asking questions of you was going
24 to be somebody who was representing someone other
25 than your family; correct?

1 A Correct.
2 Q And there was absolutely no point in time that I
3 led you to believe that I was, quote, as you
4 understand it, "on your side"; correct?
5 A Correct.
6 Q You knew that before we even started today; right?
7 A Yes.
8 Q Okay. Before you got the -- before your brother
9 called you to tell you that you might be asked to
10 give a deposition in this case, when was the last
11 time that you had talked to your brother before
12 that?
13 A It may have been the month before to call him --
14 because he would call, because I had surgery
15 April 6th. So we were talking back and forth to
16 see how I was doing.
17 Q Okay. You never talked at all with your mother
18 about a lawsuit that might have existed before
19 this one?
20 A No. My mother? No. Uh-uh.
21 Q After your mother died, did you and your siblings
22 talk at all about how to split up your father's
23 estate?
24 A I guess I don't really understand what "estate"
25 really means, because my parents have never been

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1 wealthy.
2 Q How did you distribute any money that was left
3 over?
4 A Well, that would go to my mom.
5 Q Okay. I'm talking about after your mom passed
6 away.
7 MR. McCOY: You can answer if you know.
8 If you don't know, you say you don't know.
9 THE WITNESS: Can I state what I do
10 know?
11 MR. McCOY: You can answer.
12 BY MR. LEE:
13 Q Yes.
14 A All I realize is that we had to sell her home; and
15 when that was sold, the four siblings split moneys
16 from the house. That was it.
17 Q That was the only discussion you had about the
18 administration of your mother's estate; is that
19 right?
20 A Yeah. That's correct.
21 Q Did you and your siblings ever get together and
22 talk about how to distribute your father's estate
23 as opposed to your mother's estate?
24 A No. It does not even sound familiar.
25 Q Okay. So, to your knowledge, you and your

1 siblings have never come together and talked about
 2 how to distribute your father's estate; is that
 3 right?
 4 A That's correct.
 5 Q Okay.
 6 A It does not sound familiar to me.
 7 Q Okay. And you've never talked among yourselves
 8 about who has authority to distribute your
 9 father's estate; is that right?
 10 A I would -- I mean, I'm just the kid sister here;
 11 but if there was anything that needed to be
 12 distributed, Gary would be the logical one to do
 13 that.
 14 Q I understand that he might be the logical one, but
 15 I'm just asking if you, as the siblings, as the
 16 children of your parents, ever got together and
 17 actually discussed how to do it.
 18 A No.
 19 Q Did you ever get together and discuss who had
 20 authority to distribute your father's estate?
 21 A No.
 22 Q Did you ever get together and discuss who could
 23 make decisions about how to distribute your
 24 father's estate?
 25 A No.

1 Q There's been no conversations about that
 2 whatsoever among your family?
 3 A Well, I have to admit my parents really weren't
 4 big on talking about when I die, this will happen.
 5 Q And I'm not asking about whether your parents were
 6 talking about that. I'm talking about after they
 7 were both gone, did you and your brothers and your
 8 sister ever get together and talk about who had
 9 authority to make any distributions of the estate?
 10 A No.
 11 Q Did you guys get together and talk about who had
 12 the authority to make any decisions at all with
 13 regard to the estate, your father's estate?
 14 A I don't recall any conversation about that. It
 15 was just a general understanding, a general
 16 feeling that if there was anything to be split, it
 17 would be split four ways.
 18 Q Okay. Do you know if your brother is receiving
 19 any payment out of your father's estate for
 20 professional services?
 21 A Not to my knowledge.
 22 Q Did your brother Derald have any children?
 23 A Derald has two daughters.
 24 Q And what are their names?
 25 A Lynn and Lisa.

1 Q How old are they?
 2 A Lynn is 53. Lisa is 48.
 3 Q Are they financially dependent on anyone, or are
 4 they independent?
 5 A They're independent.
 6 Q Does your sister, Sue, have any children?
 7 A She has two children.
 8 Q Okay. And what are their names?
 9 A Deanna and Don.
 10 Q And how old are they?
 11 A Deanna is 48. Don is 46.
 12 Q And are they both independent? They don't rely on
 13 anybody else to take care of them?
 14 A Yes. They are independent.
 15 Q Okay. Do you have any children?
 16 A I have no children.
 17 Q Okay. Does your brother Gary have any children?
 18 A Gary has three children.
 19 Q Okay. I'll be talking to Gary, so I'll ask him
 20 about his children.
 21 So to wrap up here today as far as the
 22 questions I'm going to ask today, you wouldn't be
 23 able to offer any testimony as to any products
 24 that your father might have worked with or around;
 25 is that right?

1 A I don't know of any product names.
 2 Q Okay.
 3 A I only know by -- with visual some of the -- some
 4 of what he brought home with him, what he had in
 5 his basement.
 6 Q Okay. Your father brought products home for his
 7 basement?
 8 A I don't know how -- if they were scraps or
 9 whatever; but I know that, yes, there has been
 10 some things in his vehicle and in our basement.
 11 Q So tell me what you remember about those products.
 12 A Dad kept them in a large barrel that had -- it was
 13 like a cardboard, circular, with metal holding it
 14 together. I would play in those barrels. When I
 15 would have friends over, we would roll in the
 16 barrels down stairs.
 17 He also kept -- it's about that big around,
 18 maybe 8 or 10 inches acrossed. And it was a gray.
 19 It looked like duct tape. It was an accordion
 20 type of stretchy tubing that he would have, as
 21 well as thick -- like a -- it almost looked like
 22 an angel hair, like insulation with white wrapping
 23 around it, but it was hollow in the middle,
 24 like -- and cut, so you could just wrap it around
 25 certain --

1 Q So was it like a clamshell-type thing? Open on
2 one side and you could wrap it around?
3 A Yes.
4 Q Okay. You said angel hair. What did you mean by
5 that?
6 A It was maybe like this shade as the color of the
7 table, kind of a brownish-gold color that was
8 thick, like it was pressed together.
9 Q Okay. Altogether, was it circular?
10 A Yes.
11 Q Okay. Was it, like, a corrugated -- like, almost
12 like a corrugated cardboard-type material?
13 A No. I did not see anything on it that would
14 resemble a corrugated cardboard.
15 Q But it was brownish-gold?
16 A Correct.
17 Q Similar in color to cardboard?
18 A Yes. I think you could say that.
19 Q Okay. And about how thick was it?
20 A I'd say it was maybe an inch thick at least. The
21 padding that was an inch thick that would circle
22 the pipe.
23 Q Okay. Angel hair, is that the color, or is it
24 something else about it that you're describing?
25 A It's the texture. The look of it and the texture

1 of it reminded me of angel hair, only it was much
2 more dense.
3 Q Okay. Are you familiar with fiberglass?
4 A I know he had fiberglass stuff that he brought
5 home.
6 Q Okay. Do you know if what you're describing is
7 fiberglass or something else?
8 A I honestly don't know. I just know that I
9 remember hearing a lot about fiberglass, and I
10 also know that that big, hollow, accordion-type
11 gray tube, when I put my arm in there once as a
12 small child -- I was under ten.
13 Q Okay.
14 A -- and pulled my arm out, and my arm was very
15 itchy. Very itchy.
16 Q Other than this angel hair-like material, do you
17 recall your father bringing any other types of
18 materials -- and the accordion-type material. So
19 we've got the angel hair and the accordion. Any
20 other type of material that you recall your father
21 bringing home?
22 A Well, I can remember that there was also some,
23 like, black foam rubber-type of material that was
24 very similar to that round angel hair type. I
25 think it was for the same purpose, but a different

1 material that was black.
2 And I can remember kids, my friends, if we
3 came over, playing with those. You know, hitting
4 each other like they were weak swords in the
5 basement.
6 Q Okay. Do you remember your father ever bringing
7 home any material that was kind of dark gray, like
8 battleship gray, and furry?
9 A Furry?
10 Q Yeah. Had, like, things you could feel on the
11 outside of it.
12 A I think I might need to have a better description
13 of that, of what you're referring to, or a picture
14 maybe.
15 Q Okay. So we've got the stretchy thing, the black
16 foam thing, the angel hair thing.
17 A Yes.
18 Q Anything else you remember your father bringing
19 home?
20 A I think he may have had, like, a glue or a paste.
21 Q Okay. And you remember the black foam thing, the
22 accordion thing, and the angel hair thing before
23 you were ten years old?
24 A Yes. Because that was in Rockford, Illinois.
25 Q Okay.

1 A When we moved to Sun Prairie, we lived in an
2 apartment, so there was no place to store things
3 like that.
4 Q So that would have been, like, in the early '60s?
5 A Correct.
6 Q Okay. And you remember your dad talking about
7 fiberglass even way back then?
8 A Yes.
9 Q Do you remember your dad ever talking about
10 working with asbestos before he got sick?
11 A Yes.
12 Q Okay. What would he say about that?
13 Let me ask you this. Did your dad ever talk
14 about working with asbestos while you were a kid?
15 Do you recall that?
16 A I believe so. I mean, the word sounds familiar.
17 But it's not like he would sit me down and have an
18 adult conversation about, hey, I'm working with
19 asbestos, you know, at this facility. It's more
20 like I would maybe be in another room and maybe
21 hear some adults talking about his work.
22 Q Okay.
23 A And working with asbestos or certain materials for
24 insulating pipes.
25 Q Do you know, was your dad a member of the Asbestos

1 Workers Union?

2 A I know he was a member of a union. I don't recall

3 the specific name.

4 Q Okay. Did your dad ever get any union

5 publications in the mail?

6 A I think he may have.

7 Q He got the union magazine and stuff like that?

8 A Yeah. Yeah. Maybe, like, a -- looked like a

9 newspaper maybe.

10 Q Okay. And that was going back to when you were a

11 kid even?

12 A Yes.

13 Q Okay. I think you told us your dad kind of went

14 by the book as far as his job went; is that right?

15 A I think it would be safe to say that. Yes.

16 Q Okay. I'm assuming your dad considered himself to

17 be a skilled laborer; right?

18 A Yes. Um-hum.

19 Q He spent time understanding his job; is that

20 right?

21 A Yes.

22 Q How to do it well?

23 A Yes.

24 Q What was required of his job?

25 A Yes.

1 Q Did your father ever go to union trainings? Do

2 you know?

3 A I honestly don't know.

4 Q Okay. If your father was on a job site, he would

5 have followed the regulations that applied to his

6 job?

7 A Yes.

8 Q He would have known what those regulations were?

9 A I believe so.

10 Q Okay. You don't know whether your father ever was

11 a foreman; is that right?

12 A A what?

13 Q Foreman.

14 A Not to my knowledge.

15 Q Do you know if your father was ever, like, a crew

16 leader or anything like that?

17 A That, I don't know.

18 Q Okay. As far as you know, you've only ever

19 received one \$500 check that may or may not have

20 been related to this lawsuit; is that right?

21 A Correct.

22 Q You don't really know one way or the other whether

23 it was related to this lawsuit or not; is that

24 correct?

25 A That's correct.

1 Q Okay. And you don't have any anticipation of

2 receiving any other money from this lawsuit; is

3 that correct?

4 A I just learned of this, so I don't really have any

5 anticipation.

6 MR. LEE: Okay. That's a fair answer.

7 I don't have any more questions for you

8 today. What I'm going to do is I'm going to

9 terminate the deposition subject to some rulings

10 on some objections that Mr. McCoy made.

11 If we have rulings on that, we may come

12 back and ask you some additional questions.

13 MR. McCOY: Okay. I just have a couple

14 questions to clarify a couple things.

15 (Discussion held off the record.)

16 E X A M I N A T I O N

17 BY MR. McCOY:

18 Q First thing is the first time you heard about an

19 actual lawsuit being in court was when your

20 brother Gary contact you about being a witness; is

21 that right?

22 A That's correct.

23 Q Okay. And I think you said that was about a month

24 ago; right?

25 A Yes.

1 Q Okay. Now, after that, then you got a subpoena

2 unexpectedly delivered to you; right?

3 A Yes.

4 Q Okay. And then did you then speak to Gary further

5 about receiving that subpoena?

6 A I emailed him to let him know that I received it

7 and what the date and the location and time were.

8 Q Okay. And then after that, you had contact with

9 me; is that right?

10 A Correct.

11 Q Okay. And I told you I would be here at the

12 deposition with you and -- is that right?

13 A Yes.

14 Q Okay. Now, as far as the arrangements go for your

15 representation -- or for any representation of

16 members of the Suoja family in this case, that's

17 something that you entrusted to Gary; right?

18 MR. LEE: Objection to form and

19 foundation.

20 THE WITNESS: Yes.

21 BY MR. McCOY:

22 Q Okay. And as far as any actions to be taken in

23 this lawsuit for the asbestos for your father's

24 injuries, that's also something that you've

25 entrusted to Gary; is that right?

1 A Yes.

2 MR. LEE: Object to form and foundation.

3 BY MR. McCOY:

4 Q Okay. And so just one final question. As far as

5 the involvement of any -- or let me rephrase this.

6 As far as whatever decisions are to be made

7 about how this case should be resolved or settled

8 or whatever is going to happen to it in the

9 future, that's all something you've entrusted to

10 your brother Gary?

11 MR. LEE: Objection to form and

12 foundation.

13 THE WITNESS: Yes.

14 MR. McCOY: I don't think I have any

15 more questions.

16 MR. LEE: I have one.

17 E X A M I N A T I O N

18 BY MR. LEE:

19 Q Prior to you getting a phone call or an email from

20 your brother about a month ago, you didn't know

21 this lawsuit existed; right?

22 A Correct.

23 Q And so prior to that time, there's nothing you

24 could have entrusted to your brother because you

25 didn't even know it happened; right?

1 A I guess you could say that was true.

2 MR. LEE: Okay. Thank you. That's all

3 I have.

4 E X A M I N A T I O N

5 BY MR. McCOY:

6 Q Well, let me just clarify that. As far as any --

7 you did get an earlier check, you said, right,

8 from --

9 A Oh. The \$500 a number of years ago?

10 Q Yes.

11 A Yes.

12 Q Okay. So --

13 A Yes.

14 Q So you knew there was -- you understood there was

15 some -- there was some --

16 A At that time.

17 Q Yeah. You understood there was some claims being

18 made for asbestos for injuries to your father;

19 right?

20 A Correct. But I thought maybe that was just -- for

21 that time, you know, I didn't know if there's

22 several little ones or one big one. I don't

23 understand how that law, you know, works with

24 that.

25 Q Again, it's -- your understanding would be, then,

1 that whatever claims might be asserted for your

2 father's injuries to asbestos would be handled by

3 Gary, and you entrusted him to that?

4 A Yes.

5 MR. McCOY: All right. That's all the

6 questions I've got.

7 E X A M I N A T I O N

8 BY MR. LEE:

9 Q I just want to make sure I'm clear.

10 You and your family never had any discussions

11 whatsoever about making a claim related to your

12 father's asbestos exposure; right?

13 A If they did, I wasn't included in it.

14 Q Okay. You didn't even know that the claims had

15 been made; right?

16 A No. I remember my brother talking about

17 Cascino Vaughan a long time ago, but I thought

18 that was all said and done.

19 MR. LEE: Okay. All right. Subject to

20 that -- unless Mr. McCoy has any additional

21 questions.

22 MR. McCOY: Nothing further.

23 MR. LEE: Okay. Then we'll go ahead and

24 terminate subject to rulings by the judge.

25 (Deposition concluded at 12:56 p.m.)

1 STATE OF WISCONSIN)

2) ss:

3 COUNTY OF MILWAUKEE)

4 I, Lindsay DeWaide, a Registered Merit

5 Reporter, Certified Realtime Reporter, and Notary

6 Public in and for the State of Wisconsin, do hereby

7 certify that the preceding deposition was reported by

8 me and reduced to writing under my personal direction.

9 I further certify that said deposition was

10 taken at GRAMANN REPORTING, LTD., 14 West Mifflin

11 Street, Suite 311, Madison, Wisconsin, on the 22nd day

12 of June, 2015, commencing at 10:19 a.m.

13 I further certify that I am not a relative or

14 employee or attorney or counsel of any of the parties,

15 or a relative or employee of such attorney or counsel,

16 or financially interested directly or indirectly in

17 this action.

18 In witness whereof, I have hereunto set my

19 hand and affixed my seal of office at Milwaukee,

20 Wisconsin, this 25th day of June, 2015.

21

22 LINDSAY DEWAIDE, RMR, CRR

23 Notary Public, State of Wisconsin

24 My Commission Expires: January 22, 2017.

25

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